

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

EDWARD-X CROMER,

Plaintiff,

File No. 2:08-CV-203

v.

HON. ROBERT HOLMES BELL

P. CARBERRY, et al.,

Defendants.

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**ORDER**

**IT IS HEREBY ORDERED** that Plaintiff's objections to the R&R (Dkt. No. 42) are **OVERRULED**.

**IT IS FURTHER ORDERED** that Defendants' objections to the R&R (Dkt. No. 40) are **GRANTED IN PART**.

**IT IS FURTHER ORDERED** that the Report and Recommendation of the Magistrate Judge (Dkt. No. 39, R&R) is **ADOPTED IN PART** and **REJECTED IN PART** as the opinion of the Court. The Court rejects the conclusion on page 13 of the R&R that Plaintiff has offered sufficient evidence to demonstrate the existence of a genuine issue of fact with respect to the claims against Defendants Bowerman, Killips, Riley, and Santure. The Court rejects the summary judgment analysis of Plaintiff's claim against Defendant Riley on pages 13-14 of the R&R. Finally, the Court rejects the

recommendation to grant Defendants' motion to dismiss and/or for summary judgment in part. The Court approves the remainder of the R&R.

**IT IS FURTHER ORDERED** that the motion to dismiss and/or for summary judgment filed by Defendants Bowerman, Killips, Riley, and Santure (Dkt. No. 30) is **GRANTED** for the reasons stated in the Court's opinion entered this date and in the R&R.

**IT IS FURTHER ORDERED** that **JUDGMENT** is awarded in favor of Defendants Bowerman, Killips, and Santure with respect to Plaintiff's equal protection and/or retaliation claims regarding the sexual misconduct and threatening behavior misconduct charges.

**IT IS FURTHER ORDERED** that **JUDGMENT** is awarded in favor of Defendant Riley with respect to Plaintiff's claims regarding Defendant's refusal to provide copies of the Supreme Wisdom Lessons.

**IT IS FURTHER ORDERED** that Plaintiff's claim against Defendant Bowerman regarding the January 19, 2007, incident is **DISMISSED** for failure to exhaust administrative remedies. 42 U.S.C. § 1997e(a).

Dated: August 30, 2010

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
UNITED STATES DISTRICT JUDGE